



09/701,315

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PATENT
TECH CENTER 1600/2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: CARVER, et al. Examiner: TRAN, M.
Serial No.: 09/701,315 Group Art Unit: 1639
Filed: January 9, 2001 Docket No.: 14096.15USWO
Title: DIRECTED COMBINATORIAL COMPOUND LIBRARY AND HIGH
THROUGHPUT ASSAYS FOR SCREENING SAME

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV347847432US

Date of Deposit: August 6, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450.

By: _____

Name: *John J. Junger*

**REQUEST FOR REMAILING OF OFFICE ACTION AND WITHDRAWAL
OF HOLDING OF ABANDONMENT**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received. A copy of the Notice of Abandonment is enclosed.

Applicants state that a search of the file and the docket records in Merchant & Gould indicates that this Office Action was not received. Attached is a copy of the docket record where the Office Action would have been entered had it been received and docketed. A Declaration of Jodi Gandel-Klein, the Docketing Supervisor is also attached.

The Declaration by Ms. Gandel-Klein outlines the firm's handling of incoming correspondence, including Patent and Trademark Office actions. As noted in the Declaration, the correspondence is brought to the firm, date stamped and sorted between Patent and Trademark Office correspondence, other correspondence possibly requiring docketing, and non-docketing correspondence. The Declaration also outlines the firm's procedures for docketing actions from the Patent and Trademark Office. A member of the docketing department collects the

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correspondence requiring docketing from the mailroom, and delivers the Patent and Trademark Office correspondence to the appropriate docketing personnel. That person then reviews the correspondence and enters the appropriate information in the firm's automated docketing system. The correspondence is then delivered to the responsible attorney for appropriate action.

Ms. Gandel-Klein confirms that there is no evidence in the firm's docketing records to indicate that the Office Action in this application was ever received. Ms. Gandel-Klein concludes that, in view of this, she believes that the Office Action was never received for docketing.

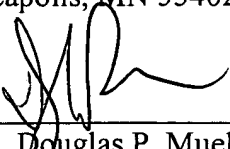
It is believed that this is sufficient to establish the non-receipt of the Office Action. More particularly, if the Office Action had been received, it would have been entered into the computerized docket system. However, even if for some reason the information was entered into the docket system under the wrong file number, the Office Action would still would have been associated with the file for this application since the attorney docket number on the Office Action is correct. Therefore, the absence of the Office Action from the attorney's file substantiates Ms. Gandel-Klein's conclusion that the Office Action was not received. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

The petition fee under 37 C.F.R. § 1.17(h) in the amount of \$130.00 is enclosed. Please charge any additional fees or credit overpayment to Merchant & Gould Deposit Account No. 13-2725.

Respectfully Submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

Dated: August 6, 2003

By 

Douglas P. Mueller
Reg. No. 30,300
Customer No. 23552

DPM/gmr



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PATENT

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Applicant:	CARVER, et al.	Examiner:	TRAN, M.
Serial No.:	09/701,315	Group Art Unit:	1639
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By: _____

Name: Jodi Gandel-Klein

**DECLARATION OF JODI GANDEL-KLEIN IN SUPPORT OF PETITION
TO WITHDRAW HOLDING OF ABANDONMENT**

Mail Stop Petition
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Jodi Gandel-Klein, declare and state:

1. I am the Docketing Supervisor for Merchant & Gould, the law firm prosecuting the above-referenced patent application. I have been Docketing Supervisor since November 17, 1997.
2. I am responsible for overseeing all incoming Patent and Trademark Office communications and oversee those responsible for seeing that these communications are properly docketed and entered into our computerized docketing system.
3. Incoming mail received by the firm is sorted into correspondence that may require docketing and correspondence that does not require docketing. The correspondence that may require docketing is further distinguished between correspondence from the Patent and Trademark Office and other correspondence. After the incoming mail has been date stamped to show date of receipt, a member of the firm's docketing department retrieves the mail that may

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require docketing and brings it to the docketing department. The appropriate personnel then docket the correspondence.

4. If such an Office Action had been received, the communication would have been docketed by entering into the computerized docket system the date the Office Action was mailed. The computerized docket system would then calculate the due dates for response to the Office Action up to the six month statutory deadline. The first page of the Office Action would then be initialed by the person docketing the Office Action to indicate that it had been docketed and forwarded to the attorney responsible for the patent application for further action, e.g., reporting to the client, etc.

5. I have reviewed the records in the firm's docket system and find no entry for the Office Action for this application, nor any other evidence that would suggest that the Office Action actually was received by the firm.

6. In view of the above, I believe that the Office Action for this application was never delivered to the docketing department for docketing.

7. I declare that all statements made herein of my own knowledge are true and that all statements made on information belief are believed to be true; and further that these statements were made with knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18, of the United States Code and that such willful, false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: August 6, 2003

By: 
Jodi Gandel-Klein
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
Customer No. 23552

DPM/gmr